

111403  
17707 U.S. PTO

UTILITY PATENT APPLICATION

TRANSMITTAL

Attorney Docket No. 22338-102

Date: November 14, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Hon. Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal City Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a patent application of

LYNNE KRUMMEN and Any SHEN for

INTRON FUSION CONSTRUCT AND METHOD OF USING FOR SELECTING HIGH-EXPRESSING  
PRODUCTION CELL LINES

031282 U.S. PTO  
10/715270

111403

1. **Type of Application**

☒ This application is a new (non-continuing) application.

☐ This application is a ☐ continuation / ☐ divisional / ☐ continuation-in-part of prior application No. . Amend the specification by inserting before the first line the sentence:

--This is a [continuation/division/continuation-in-part] of United States patent application No. , filed .--

☐ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

If for some reason applicant has not requested a sufficient extension of time in the parent application, and/or has not paid a sufficient fee for any necessary response in the parent application and/or for the extension of time necessary to prevent the abandonment of the parent application prior to the filing of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge our Deposit Account No. 18-1260 for any fee that may be due. THIS FORM IS BEING FILED IN TRIPLICATE: one copy for this application; one copy for use in connection with the Deposit Account (if applicable); and one copy for the above-mentioned parent application (if any extension of time is necessary).

2. **Contents of Application**

a. 38 page patent application (including specification, claims and abstract)

☐ A microfiche computer program (Appendix);  
☐ A nucleotide and/or amino acid sequence submission (hard copy and computer diskette);

☐ Because the enclosed application is in a non-English language, a verified English translation ☐ is enclosed ☐ will be filed.

☐ Cancel original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing date purposes.)

- b. ☒ Drawings on 43 sheet(s).
- c. ☒ A signed Declaration ☐ is enclosed / ☒ will be filed in accordance with 37 C.F.R. § 1.53(f).

The enclosed Declaration is ☐ newly executed / ☐ a copy from a prior application under 37 C.F.R. § 1.63(d) / ☐ accompanied by a statement requesting the deletion of person(s) not inventors in the continuing application.

d. **Fees**

FILING FEE	Number		Number		Basic Fee	
CALCULATION	Filed		Extra	Rate		\$770.00
Total Claims	20	-	20	=	0	x \$18.00 = 770.00
Independent Claims	2	-	3	=	0	x \$86.00 = 0
Multiple Dependent Claim(s) Used .....					\$290.00	= 0
FILING FEE - NON-SMALL ENTITY .....						770.00
<input type="checkbox"/> Applicant claims small entity status.						
Filing Fee - Small Entity (Reduced by 1/2) .....						
Assignment Recordal Fee (\$40.00) .....						
37 C.F.R. § 1.17(k) Fee (non-English application) .....						
<b>TOTAL</b> .....						<b>\$770.00</b>

- ☐ A check is enclosed to cover the calculated fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 18-1260. A duplicate copy of this document is enclosed.
- ☐ The calculated fees will be paid within the time allotted for completion of the filing requirements.
- ☒ The calculated fees are to be charged to Deposit Account No. 18-1260. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account. A duplicate copy of this document is enclosed.

3. **Priority Information**

- ☐ **Foreign Priority:** Priority based on \_\_\_\_\_ Patent Application No. \_\_\_\_\_ filed \_\_\_\_\_ is claimed.
- ☐ A copy of the above referenced priority document ☐ is enclosed / ☐ will be filed in due course, pursuant to 35 U.S.C. § 119(a)-(d).
- ☒ **Provisional Application Priority:** Priority based on United States Provisional Application No. 60/426,095, filed November 14, 2002, is claimed under 35 U.S.C. § 119(e).

Date: November 14, 2003**4. Other Submissions**

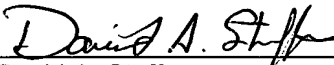
- ☐ A Preliminary Amendment is enclosed.
- ☐ An Information Disclosure Statement, sheet of PTO Form 1449, and copies of cited references are enclosed.
- ☐ A power of attorney
- ☐ is submitted ☐ with the new Declaration.
- ☐ is of record in the prior application and ☐ is in the original papers / ☐ a copy is enclosed.
- ☐ An Assignment of the invention
- ☐ is enclosed with a cover sheet pursuant to 37 C.F.R. §§ 3.11, 3.28 and 3.31.
- ☐ is of record in a prior application. The assignment is to , and is recorded at Reel , Frame(s) .
- ☐ An Establishment of Assignee's Right To Prosecute Application Under 37 C.F.R. § 3.73(b), and Power Of Attorney is enclosed.
- ☐ An Express Mailing Certificate is enclosed.
- ☒ Other: Application Data Sheet

Attention is directed to the fact that the correspondence address for this application is:

SIDLEY AUSTIN BROWN & WOOD LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005

Date November 14, 2003  
SIDLEY AUSTIN BROWN & WOOD LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005  
202-736-8000

Respectfully,

  
David A. Steffes  
Reg. No. 46,042